## UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

DONNA STEWART	]	
Plaintiff,	]	
	]	
v.	]	No. 3:13-1188
	]	Judge Trauger
FRESENIUS MEDICAL CARE-NORTH	]	
AMERICA	]	
Defendant.	]	

## ORDER

By an order (Docket Entry No. 3) entered October 31, 2013, the Court denied the plaintiff's application to proceed in forma pauperis (Docket Entry No. 2). At that time, the plaintiff was granted thirty (30) days in which to submit the full filing fee of four hundred dollars (\$400).

The thirty day period expired but the plaintiff had not yet submitted the filing fee. Instead, she filed a late Notice (Docket Entry No. 5) and a second application to proceed in forma pauperis (Docket Entry No. 6).

In the Notice, the plaintiff explained that she was now unemployed and lacked any resources whatsoever from which to pay the filing fee. She asked the Court to reconsider its order denying her pauper status.

The plaintiff neglected, however, to provide the Court with information regarding her unemployment and what, if any, benefits she may have received as a result of the termination from her employment. For that reason, the Court denied plaintiff's request to reconsider its decision to deny her pauper status. The Court did, however, grant the plaintiff an additional thirty days in which

to submit the full filing fee. The plaintiff was forewarned that, should she fail to pay the filing fee within the specified period of time, this action would be dismissed for failure to comply and for want of prosecution.

The thirty day period has once again expired and the plaintiff has not paid the filing fee as instructed. Rather, the plaintiff has filed a Motion to Reconsider (Docket Entry No. 11). In the Motion, the plaintiff explains that she has no financial resources from which to pay the filing fee. She also informs the Court that she has relocated to Bethlehem, Georgia.

The plaintiff's Motion to Reconsider does not support her position in two respects. First, the plaintiff states that she receives no unemployment benefits. Docket Entry No. 11 at pg. 1. However, she has provided documentation showing that she was approved for unemployment benefits. *Id.* at pg. 3. Second, the plaintiff mentions that her former employer took a deduction from her salary for a 401K. *Id.* at pg. 1. No such benefit was ever mentioned by the plaintiff in either of her applications to proceed in forma pauperis. Nor has the plaintiff revealed the value of her 401K and what happened to it upon her termination. The plaintiff has simply not been particularly forthcoming with information about her financial status.

For that reason, the plaintiff's Motion to Reconsider is DENIED. The plaintiff failed to comply with the Court's instructions by paying the filing fee in a timely manner. This action, therefore, is hereby DISMISSED for failure to comply and for want of prosecution. Rule 41(b), Fed. R. Civ. P.

It is so ORDERED.

Aleta A. Trauger

United States District Judge